

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 24, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-25955 - APPLICANT: CONVENIENCE SUPER STORE -
OWNER: REDCARD, LLC**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. The storage and sales of packaged liquor shall be limited to a maximum area of 30 square feet in size.
2. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Package Liquor Off-Sale Establishment use.
3. Conformance to the conditions for Rezoning (Z-0110-90) and Special Use Permit (U-0036-92) if approved.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Proposed Package Liquor Off-Sale Establishment in conjunction with an existing convenience store at 8490 Westcliff Drive. The project conforms to the Special Use Permit requirements of Title 19.04; therefore, staff is recommending approval.

The applicant indicates that the proposed packaged liquor will be stored in an area 30 square feet in size. The existing beer and wine storage area is 241 square feet in size.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/11/90	City Council approved a request for Reclassification of Property (Z-110-90) located on the northeast corner of Durango Drive and Westcliff Drive, From: N-U (Non-Urban), to: C-1 (Limited Commercial); proposed use: restaurant, convenience store with gasoline sales and retail shops. Planning Commission and staff recommended approval.
04/15/92	City Council approved a Special Use Permit (U-36-92) to allow the sale of Beer and Wine in conjunction with a convenience store. Planning Commission and staff recommended approval.
<i>Related Building Permits/Business Licenses</i>	
02/10/98	New Building / Permit 97020420
03/31/98	New Building – C of O / Permit 97016880
02/23/00	Sign Cert Tag # 003665 / Permit 99007845
09/25/02	T.I. Remodel / Permit 2013792
08/20/03	Elec for Water Kiosk / Permit 3012085
08/22/03	Sign – 29 SF – Electric / Permit 3010225
10/09/03	Water Kiosk / Permit 3010265
12/01/05	Electric for T.I. / Permit 5007785
01/27/06	TI Kitchen Remodel / Permit 5007416
04/15/03	C05-02255 Tobacco Dealer - Retail
04/15/03	C15-00312 Convenience Store
12/09/03	P35-00642 Outdoor Pay Phone
12/09/03	P35-00643 Outdoor Pay Phone
10/04/06	C20-02268 Convention Hall Game Tax
10/04/06	G01-02269 Gaming Restricted
07/20/06	L10-00264 Beer/Wine/Cooler Off Sale

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<i>Pre-Application Meeting</i>	
12/05/07	Staff advised applicant of requirements and documentation needed to apply for a Special Use Permit for a Proposed Package Liquor Off-Sale Establishment.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.87

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
North	Apartments	M (Medium Density Residential)	R-PD16 (Residential Planned Development – 16 Units per Acre)
South	Single Family Residential	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
East	Apartments	M (Medium Density Residential)	R-PD16 (Residential Planned Development – 16 Units per Acre)
West	Golf Course	PR-OS (Park/Recreation/Open Space)	C-V (Civic)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The proposed project is located within the Southwest Sector Plan and is located on a parcel with a general plan designation of SC (Service Commercial). A Package Liquor Off-sale Establishment is a permitted use within the C-1 (Limited Commercial) land use designation via a Special Use Permit and compliance to the stated minimum requirements of Title 19.04.

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Title 19.04 Land Use Table, Special Use Permit requirements restricts the location of a Package Liquor - Off-Sale Establishment, through a distance separation limit which precludes such use from locating on property within 400 feet of any church, synagogue, school, child care facility (licensed for more than 12 children), or city park. The subject use will be operated within an existing convenience store located beyond a 400 foot radius of the aforementioned protected uses. Directly west of the subject site is the Angel Park Golf Course with a General Plan designation of PR-OS (Parks/Open Space). A golf course is not considered a city park and does not affect the proposed use. Staff recommends approval.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use is compatible with existing surrounding commercial uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The site is capable of accommodating the proposed use as the project location is an existing developed commercial area with existing surface parking.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Automobile access to the project location is adequate along the existing surface collector streets Durango Drive and Westcliff Drive.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed use will be subject to inspections by local and state regulatory agencies and will therefore not result in detrimental effects to human health and public safety.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed use conforms with all applicable Title 19.04 – Minimum Special Use Permit Requirements.

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NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 34

SENATE DISTRICT 8

NOTICES MAILED 570

APPROVALS 1

PROTESTS 12